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09/608,028	06/30/2000	Kartik Raghavan	MS1-498US	9044

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EXAMINER	
COLIN, CARL G	

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/608,028	RAGHAVAN ET AL.	
	Examiner	Art Unit	
	Carl Colin	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/2/2006 has been entered.

Response to Arguments

2. In response to communications filed on 8/2/2006, applicant amends claims 1, 2, 13, 17, 21, 27, and 32. The following claims 1-36 are presented for examination.

2.1 In response to communications filed on 8/2/2006, Applicant's arguments/remarks have been fully considered but they are moot in view of a new ground of rejection. The arguments provided by Applicant regarding the new matter issue raised by the Examiner in the advisory action mailed on 7/19/2006 are not persuasive. Applicant provides the following citation to show support of the claims as amended: "control logic compares the authorized resources against the assessed resources to identify the limitations in the current capability of computing system 18A." Another embodiment cites, "based at least in part of the assessment, configuration agent 14 identifies needed resources and/or configuration personalization information and downloads and installs the identified resources to enhance the operational capability of the host computer."

It appears that applicant equates "identify the limitations in the current capability of computing system" and "identifies needed resources and/or configuration personalization information" as identify resources **authorized but not installed** on the computer system as claimed in amended claim 1. Examiner respectfully disagrees that the terms as underlined above from the specification and cited by applicant, have the same meaning as "resources **authorized but not installed**" as claimed in amended claim 1. The other independent claims recite, identify resources **missing** from the computer system. Again, Examiner respectfully disagrees that the terms as underlined above from the specification and cited by applicant, have the same meaning as "resources **missing** from the computer system" as amended. Therefore, the claims as amended do not have support in the specification. Claims 1-36 are now rejected in view of Cheng et al.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.1 Claims 1, 2, 13, 17, 21, 27, and 32 and the intervening claims are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter, which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's disclosure fails to recite "identify resources **authorized but not installed** on the computer system" or identifying "resources **missing"** from the computer system **by comparing**. The specification, on the other hand, merely states identifying needed resources or limitations in the current capability of the computing system. The citation provided by Applicant (figure 8), pages 12-13 and page 21 do not provide a description of the claims as amended. Claim 2 further recites " wherein the computing system is provided to the user without the **authorized resources** being pre-installed". There is no support for this limitation in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,151,643 to **Cheng et al**.

As per claim 1, **Cheng et al** discloses a method comprising: maintaining, on a server for each of a plurality of computing systems, database including specific data, resources, profile, activity log, payment information, etc. associated with each user computing system that meets the recitation of data specifying which resources are authorized for the computing system (see column 17, lines 1-21 and figure 7); **Cheng et al** discloses receiving an identifier associated with a computing system and/or computing system user (column 7, lines 10-40); and discloses that the authentication ensures that only users who are authorized can obtain updates for software products (see column 7, lines 40-45) that meets the recitation of using the received identifier to obtain corresponding data specifying authorized resources for the computing system; and interrogate the computing system to produce an assessment indicating assessing existing hardware and/or software computing system resources available on the computing system (see column 7, line 45 through column 8, line 20); comparing the authorized resources with the assessment to identify one or more resources authorized but not installed on the computing system (see column 8, lines 1-20 and column 3, lines 25-39); and automatically modifying the computing system resources by installing the one or more identified resources (see column 4, lines 17-28 and column 27, lines 24-26). (For more detailed explanation see also "Analysis of Installed Software Products and Determination of Applicable Updates", column 13, line 45 through column 14, line 64).

As per claim 2, **Cheng et al** substantially discloses the claimed method of claim 1. **Cheng et al** also suggests in another embodiment installation of new software not installed that needs to be installed to the computing system (see column 20, lines 52-60 and column 19, lines

60-65) that meets the recitation of the computing system is provided to the user without the authorized resources being preinstalled.

As per claim 3, **Cheng et al** discloses wherein the identifier associated with computing system and/or computing system user is received from the computing system (see column 7, lines 5-40).

As per claim 4, **Cheng et al** discloses wherein the identifier associated with computing system and/or computing system user is received from the computing system (see column 7, lines 5-40) and/or communications device associated with the computing system user wherein the communications device is not directly connected to the computing system.

As per claims 5 and 8, **Cheng et al** discloses the limitation of automatically modifying the computing system resources based at least in part of assessment of the computing system resources (see column 4, lines 17-28 and column 27, lines 24-26).

As per claim 6, **Cheng et al** discloses the limitation of selectively updating certain computing system resources based, at least in part, on the comparison of the assessed computing system resources against authorized and available computing system resources (see column 28, lines 55-62).

As per claim 7, **Cheng et al** discloses the limitation of assessing communications device resources (see column 27, lines 7-11 and column 7, line 45 through column 8, line 20); comparing the assessed communications device resources against authorized and available communications device resources and selectively installing, configuring, and/or updating one or more communications device resources based, at least in part, on the comparison on the assessed communications resources (see column 28, lines 55-62).

As per claims 9-10, **Cheng et al** discloses the limitation of wherein the identifier is one or more of a telephone number associated with the user an electronic serial number of the communications device associated with the user, an electronic identifier associated with the computing system and/or serial number associated with one or more hardware and/or software resources of the computing system (see column 7, lines 5-40).

As per claim 11, **Cheng et al** discloses the claimed method of claim 1 and further discloses that the invention can be implemented in a computer (see claims) that meets the recitation of a storage medium having stored thereon a plurality of executable instructions which when executed implement a method according to claim 1. Claim 11 is therefore rejected on the same rationale as the rejection of claim 1.

As per claim 12, **Cheng et al** discloses a server comprising: a storage device (see column 9, line 55 through column 10, line 12 and figure 9) having stored therein a plurality of executable

instructions; and a control unit, coupled to the storage device (see column 9, line 55 through column 10, line 12 and figure 7).

As per claim 13, **Cheng et al** discloses a server comprising: a storage device to maintain a profile of personal resources, specifying for each of a plurality of computing systems which resources are authorized for the computing system (see column 17, lines 1-21 and figure 7); **Cheng et al** discloses the server providing an interface and service that meets the recitation of configuration agent adapted to receive identifier for registering and identifying users when they are login to the service provider (see column 7, lines 5-39); generate an assessment of the current resources of the computing system (see column 27, lines 7-11 and column 7, line 45 through column 8, line 20); identify by comparing the assessment with the authorized resources one or more of the authorized resources which are missing from the computer system (see column 27, lines 7-23 and column 7, line 45 through column 8, line 20); automatically configure resources of the computing system to include the identified resources (see column 4, lines 17-28 and column 27, lines 24-26).

As per claim 14, **Cheng et al** discloses the limitation of wherein an assessment of the computing system resources comprises an assessment of at least one of an operating system, configuration settings, personalization settings, Internet settings or application settings on the computing system (see column 11, lines 1-54).

As per claim 15, **Cheng et al** discloses the limitation of wherein the profile includes a list of identifiers associated with authorized users and the configuration agent accesses a user profile on the storage device based, at least in part, on the identifier (see column 7, lines 5-39 and figure 7).

As per claim 16, **Cheng et al** discloses the limitation of wherein the configuration agent receives the identifier from the computing system and/or a communications device remote from the computing system associated with the computing system user (see column 7, lines 5-39).

As per claim 17, **Cheng et al** discloses the limitation of wherein the configuration agent further automatically modifies communications device resources based at least in part of assessment of the computing system resources (see column 4, lines 17-28 and column 27, lines 24-26).

As per claim 18, **Cheng et al** discloses the limitation of wherein the configuration agent is further configured to update the computing system resources (see column 28, lines 55-62).

As per claim 19, **Cheng et al** discloses the limitation of wherein the identifier is one or more of a telephone number associated with the user an electronic serial number of the communications device associated with the user, an electronic identifier associated with the

computing system and/or serial number associated with one or more hardware and/or software resources of the computing system (see column 7, lines 5-40).

As per claim 20, **Cheng et al** discloses a server comprising: a storage device (see column 9, line 55 through column 10, line 12 and figure 9) having stored therein a plurality of executable instructions; and a control unit, coupled to the storage device to execute at least a subset of the plurality of executable instructions to implement an instance of the configuration agent (see column 9, line 55 through column 10, line 12 and figure 7).

As per claims 21 and 25-26, **Cheng et al** discloses a storage medium comprising a plurality of executable instructions including at least a subset of which that when executed implement a configuration agent to maintain for each of a plurality of computing systems data specifying authorized resources for the computing system (see column 17, lines 1-21 and figure 7); conduct an assessment of the computing system resources upon receipt of an identifier associated with a computing system and/or computing system user (column 7, line 35 through column 8, line 20) and also discloses the identifier is received from a device remote from the computing system (see figure 1); identify by comparing the assessment with corresponding data specifying authorized resources, one or more of the authorized resources which are missing from the computer system (see column 7, line 45 through column 8, line 20 and column 27, lines 7-23); and automatically download and install on the computing system the missing authorized resources (see column 4, lines 17-28 and column 27, lines 24-26).

As per claim 22, **Cheng et al** discloses the limitation of wherein the configuration agent is further configured to update computing system resources (see column 28, lines 55-62).

As per claim 23, **Cheng et al** discloses the limitation of wherein the configuration agent interrogates the computing system upon receipt of an identifier to assess computing system resources (see column 7, line 45 through column 8, line 20).

As per claim 24, **Cheng et al** discloses the limitation of wherein the configuration agent discloses modifying computing system resources including downloading and automatically installing system resources on the computing system based, at least in part, on the assessed computing system resources that meets the recitation of modifying computing system resources to include available and authorized resources based at least in part of the assessment (see column 4, lines 17-28 and column 27, lines 24-26 and column 27, line 65-col. 28, line 3).

As per claim 27, **Cheng et al** discloses a computing system comprising a storage device having stored thereon a plurality of executable instructions (see figure 1); a network interface communicatively coupling to the computing system to a network (see column 6, lines 10-20 and figure 1) and processor for executing client application that meets the recitation of a controller coupled to the storage device and the network interface to execute at least a subset of the plurality of executable instructions to make an assessment of current hardware and/or software resources of the computing system (see column 13, lines 29-40) and to implement a basic input/output system to issue a configuration request to the network via the network interface, the

configuration request based on the assessment and including an identifier associated with computing system, wherein the configuration request is configured to cause a recipient of the request to (see column 7, lines 5-40) reference the identifier to access corresponding data specifying authorized resources associated by the identifier with the computing system (see column 17, lines 1-21 and figure 7 and column 16, lines 48-67); compare the assessment to the authorized resources, to determine one or more of the authorized resources missing from the computer system (see column 7, line 45 through column 8, line 20 and column 27, lines 7-23); and provide the missing authorized resources to the computing system (see column 4, lines 17-28 and column 27, lines 24-26).

As per claims 28 and 31, **Cheng et al** discloses the limitation of wherein the computing system is an unconfigured computing system and wherein the computing system is a communications device (see column 4, lines 12-28).

As per claims 29-30, **Cheng et al** discloses the limitation of wherein the controller receives one or more commands to receive and install computing system resources from network devices remote from the computing system via the network interface in response to the configuration request (see column 8, lines 37-67 and column 14, lines 38-64); wherein the identifier is associated with the computing system and/or computing system user (see column 7, lines 5-40).

As per claim 32, **Cheng et al** discloses a method comprising issue a configuration request from a computing system wherein the configuration request includes an identifier associated with computing system and/or computing system user and is configured to cause a recipient of the request to (see column 7, lines 5-40) generate an assessment of the current resources of the computing system (see column 27, lines 7-11 and column 7, line 45 through column 8, line 20); reference the identifier to access corresponding data specifying authorized resources associated by the identifier with the computing system (see column 17, lines 1-21 and figure 7 and column 16, lines 48-67); compare the assessment to the authorized resources, to determine one or more of the authorized resources missing from the computer system (see column 7, line 45 through column 8, line 20 and column 27, lines 7-23); and receiving a response to the configuration request at the computing system, the response including the one or more computing system resources missing from the computing system, wherein the one or more computing system resources are automatically installed and configured on the computing system (see column 4, lines 17-28 and column 27, lines 24-26).

As per claim 33, **Cheng et al** discloses the limitation of wherein the one or more computing system resources are automatically installed and configured in response to installation and configuration commands received from a remote computing system (see column 3, lines 25-45 and column 4, lines 7-15).

As per claims 34-35, **Cheng et al** discloses the limitation of wherein the computing system is a communications device and wherein the one or more system resources enable

the communications device to communicate over an additional communications medium (see column 3, lines 25-45 and column 4, lines 7-29).

As per claim 36, **Cheng et al** discloses the limitation of wherein the configuration request is issued from a communications device remote from the computing system associated with the computing system user, the method further comprising: receiving a response to the configuration request at the communications device including one or more computing system resources, wherein the one or more computing system resources are automatically installed and configured on the computing system (see column 3, lines 25-45).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cc

Carl Colin
Patent Examiner
October 10, 2006

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

10/10/06